

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

WP(C).No. 3162 of 2007(B)

PETITIONER:

KOCHU RANI, AGED 36 YEARS,
VAKKAYIL KUNNUTHARA, SANATHANAPURAM P.O.,
KAITHAVANA.

BY ADV. SRI.E.D.GEORGE

RESPONDENTS:

1. THE EXECUTIVE ENGINEER,
WATER AUTHORITY, ALAPPUZHA.
2. THE ASSISTANT EXECUTIVE ENGINEER,
WATER AUTHORITY, ALAPPUZHA.

BY ADV. SRI.M.K.CHANDRAMOHANDAS(B/O)
SRI. M. DINESH – SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.3162 OF 2007

DATED THIS THE 3rd DAY OF APRIL, 2007

JUDGMENT

The complaint of the petitioner in this writ petition is that a public tap has been placed in the petitioner's property by obstructing the pathway to the residence of the petitioner without her consent. Inspite of repeated requests and representations to remove the tap from the petitioner's property, no action has been taken by the respondents submits the petitioner.

2. The learned counsel for respondents 1 and 2 submits that they have only complied with the directions of the 3rd respondent – Municipality and since the place for locating the tap also has been pointed out by the Municipality they have not done anything to violate any law. However, they do not dispute the fact that the tap is placed in a manner inconvenient to the petitioner. That being so, I do not think that even if the addl. 3rd respondent has directed them to do so, they can place the tap in a manner inconvenient to the petitioner causing obstruction to the petitioner's access to her property.

3. Accordingly, there would be a direction to respondents 1 and 2 to see that the tap is removed from the present location and

placed in the public road without any inconvenience to the petitioner. Respondents 1 and 2 would be free to collect whatever charges incurred by them for undertaking this process, from the additional 3rd respondent. Before placing the tap, respondents 1 and 2 shall inform the petitioner also. This shall be done within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

Acd

